

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

vs.

Criminal No. 24-257

MOHAMAD HAMAD,

Defendant.

- - -

Transcript of proceedings on May 1, 2025 United States
District Court, Pittsburgh, Pennsylvania, before Judge
Patricia Dodge.

APPEARANCES:

For the Government: U.S. Attorney's Office
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Proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:34 a.m.)

3 THE COURT: When we were last here, I believe that
4 the government had concluded any evidence or testimony it
5 wished to present; is that right?

6 MS. VASQUEZ SCHMITT: That's correct, Your Honor.

7 THE COURT: And at this point, does the defendant
8 choose to present any evidence or testimony, other than what
9 has already been given?

10 MS. OLAIYA: None, Your Honor. We would move for the
11 admission of the remainder of the exhibits, primarily, Your
12 Honor, those being letters of support for Mr. Hamad, in
13 addition to prior court-related orders in regards to this case
14 and the transcripts of the preliminary hearing that happened
15 in November that we submitted yesterday, that would be Exhibit
16 P, and Exhibit N, being a figure in regards to release, so we
17 would just ask for the remainder of those exhibits to be
18 admitted.

19 THE COURT: Is there any objection?

20 MS. VASQUEZ SCHMITT: No, Your Honor.

21 THE COURT: All right then. All of those exhibits
22 are admitted, and that would be Exhibits A through P.

23 MS. OLAIYA: That's correct. Thank you, Your Honor.

24 THE COURT: Then I believe at this point, we are
25 prepared to proceed with argument, and I look forward to

1 hearing from counsel. So, Ms. Vasquez Schmitt, let's start
2 with you.

3 MS. VASQUEZ SCHMITT: Thank you, Your Honor. This
4 defendant, Mohamad Hamad, should be detained pretrial. The
5 district court judge assigned to this case, Judge Wiegand,
6 already held that he was a danger to the community and a
7 flight risk when she denied the defendant's motion to remove
8 his home detention. This was docket No. 79. I don't know if
9 Your Honor has seen it, but I'm going to pass up a copy.

10 THE COURT: I have, but thank you.

11 MS. VASQUEZ SCHMITT: Your Honor, Judge Wiegand held,
12 and I have some of the language highlighted there in that
13 docket entry, that the defendant does present a risk of flight
14 and danger to the community based on the evidence she had
15 seen, which is some of the same evidence Your Honor heard on
16 Tuesday, and Your Honor had the benefit of hearing even more.

17 Judge Wiegand continued the defendant's home
18 detention, but at the time, there was no pending request for
19 detention by the government. Judge Wiegand could not do any
20 more, but this court can, Your Honor. This court can protect
21 the community and assure the defendant's appearance at trial
22 by detaining him.

23 Regarding flight, which the government must only
24 prove by a preponderance of the evidence, this court saw the
25 defendant has bragged about his ability to evade law

1 enforcement and sneak out. He also said explicitly that he
2 wanted to travel overseas and fight. He gave inconsistent
3 information during his background investigation about whether
4 he had a Lebanese passport.

5 The FBI, as the testimony revealed, would only be
6 able to tell if he traveled internationally on a passport, not
7 whether one existed at all in the first place.

8 The defendant also has numerous foreign contacts
9 which he also initially lied about during his background
10 investigation. These facts establish by a preponderance of
11 the evidence that the defendant is a flight risk.

12 The Bail Reform Act also refers to the risk that the
13 defendant will obstruct justice or attempt to obstruct
14 justice. Here, while on home detention, the defendant began
15 attending Micaiah Collins' father's church in February of 2025
16 and attended it for approximately ten weeks.

17 The defendant is not Christian. He is Muslim. If he
18 had been curious about Christianity, certainly he could have
19 attended a church in his own neighborhood, but instead, he
20 chose to go across town to the church where he had been seen
21 on surveillance with the now codefendant Micaiah Collins and
22 others who could be witnesses in this case.

23 The note on his phone from October 2024 suggest they
24 may have been discussing blowing the FBI surveillance and
25 dying standing while at that church.

1 We do not, Your Honor, as was apparent, have evidence
2 of who attended the church with the defendant in the last few
3 months. We just found out he was going there, but it's no
4 great leap to conclude that Micaiah Collins was there. It's
5 her father's church. The defendant knew what he did with
6 Micaiah Collins. He knew she was referenced in the complaint.
7 They were his messages, his conduct. Surely he knew who he
8 detonated a device with that night.

9 Indeed, the defendant is now charged with conspiring
10 with Micaiah Collins to build bombs. This is not someone he
11 should have been meeting with while on home detention. The
12 time frame of his attendance at the church also lines up
13 exactly with when there were multiple posts, fliers and
14 protests regarding witnesses resisting the grand jury in this
15 case.

16 Interestingly, the defendant did not begin going to
17 the church right after his arrest. It wasn't until February
18 when the government was subpoenaing witnesses to the grand
19 jury that he began his attendance at Micaiah Collins' father's
20 church.

21 The upshot of all this is it can allow the court to
22 conclude that the defendant may attempt to obstruct justice if
23 he is allowed to remain on bond. He certainly did not tell
24 his probation officer whose church it was or give him all the
25 facts. This is par for the course for the defendant who

1 believes he can one-up law enforcement.

2 The defense will argue that he didn't technically
3 violate a bond condition because that condition was struck.
4 Probation Officer Orrison testified that, in 14 years, he had
5 never seen that box unchecked that you can't have contact with
6 witnesses and victims.

7 Defense did mark newly the transcript from that
8 hearing and that transcript is telling. It shows that it was
9 the added language forbidding the defendant from Jewish-owned
10 or affiliated locations. That was the subject of the debate,
11 Your Honor. There was no mention in that 100-plus page
12 transcript about whether he could have contact with witnesses
13 or victims. It was that added language that was the subject
14 of the debate.

15 In any event, Your Honor, this court doesn't need to
16 find a bond violation in order to detain the defendant. The
17 point the government is trying to make is that there is
18 evidence that this defendant, while on home detention, was
19 attempting to obstruct or was in fact obstructing justice by
20 meeting with potential witnesses.

21 Most importantly, Your Honor, regarding danger to the
22 community, this defendant has shared violent militant pro
23 Hamas, pro Hezbollah content, including from the October 7
24 Hamas attacks of multiple murdered individuals. When he
25 shared these videos, he stated things like "Us Muslims never

1 surrender or back down" and "Lebanon just smoked they ass."

2 He shared a video of children being indoctrinated
3 with Hamas propaganda. He threatened people online. He
4 stated his desire for bullets to touch the foreheads of
5 Zionists. He expressed a desire to fight and die as a martyr.
6 He called himself a terrorist and a Hamas operative.

7 He bragged about stealing flags and terrorizing
8 residents while dressed as a Hamas operative. He spray
9 painted a Hamas target on to a Jewish institution. He
10 manufactured and tested explosives, including pipe bombs and
11 explosives with shrapnel.

12 Your Honor, we don't know definitively what his plans
13 were for the explosives, but the messages with Collins and
14 Lubit are extremely concerning. He and Lubit talked about an
15 upcoming exercise on the defendant's military base, but then
16 said don't talk about this over text, and he and Collins
17 discussed blowing up people's ankles in concrete.

18 The FBI unfortunately did not recover the explosive
19 materials in this case. They could be hidden in his home or
20 elsewhere, which is a very dangerous situation.

21 Also, the defendant was screen shotting recipes for
22 explosives on October 30, 2024, the day of his arrest, and
23 there was a note on his phone stating that he wanted to die
24 standing rather than face serious federal charges.

25 Your Honor, the government also has concerns about

1 the defendant being on an extended period of home detention
2 with his family. As the court heard, there have been
3 allegations of the defendant's violent, aggressive and
4 threatening behavior to his family members. We all know there
5 are many reasons why domestic disputes do not always lead to a
6 conviction.

7 The police report states the defendant admitted to
8 the altercation with his sister. The defendant threatened to
9 shoot his sister, who was 13 at the time, in the face with a
10 metal pellet that travels as fast as a bullet.

11 The report also states he pushed his mother, held a
12 knife to his brother's throat in the past and was generally
13 physically aggressive to his parents, but they didn't report
14 him. His brother and sister said they were scared for their
15 safety and the safety of their family members based on the
16 defendant's conduct. His sister is still a minor, and she
17 still resides at the residence.

18 And now he is home, not working, not attending
19 school. If his behavior was escalating before, imagine the
20 tension and anger the defendant will be feeling now if he's
21 sent home. Federal cases can be long. An extended period of
22 home detention here can put his family members at risk, and
23 certainly, the government would oppose ever removing that
24 condition.

25 Your Honor, this is a unique situation, where a

1 defendant was initially charged with some misdemeanors and now
2 where the full nature of his conduct and dangerousness has
3 later been uncovered by the government. It is a unique
4 situation before the court. The court must assess the risk of
5 flight and dangerousness based on the full record before it
6 today.

7 Importantly, Your Honor, pretrial services is now
8 recommending detention. They, out of everyone in this room,
9 know best about how the defendant behaved on bond, and yet
10 they are still recommending that he be detained today.

11 The stakes are so much higher for the defendant, now
12 that he's charged with multiple felonies.

13 He may have thought he got away with a lot of his
14 conduct and was just waiting out the misdemeanor charges, Your
15 Honor, but now he has much more incentive to flee. Much more
16 incentive to put his plans into action to harm the community.

17 For all of those reasons, Your Honor, the court
18 should detain the defendant pretrial. Thank you.

19 THE COURT: Thank you very much. I'll hear now from
20 Ms. Olaiya, please.

21 MS. OLAIYA: Thank you, Your Honor. Your Honor, this
22 case boils down to what the law says and what the facts are.

23 First, turning to some of the points that the
24 government made during its argument. Number one, while Judge
25 Wiegand decided to keep Mr. Hamad on home detention, the

1 assertion that she could not have done more is simply false.
2 She could have, based on the government's assertion, requested
3 a detention hearing and had Mr. Hamad detained if she felt
4 that he was indeed a danger and that there were no conditions
5 that could be placed on him.

6 Instead, what she did was decide to keep him on home
7 detention, clearly signaling that there are conditions that
8 can be put in place and she decided to have those conditions
9 remain in place, which clearly show that there is a reasonable
10 assurance for both his appearance as well as the safety of the
11 community.

12 Secondly, Your Honor, attacking religion is wholly
13 unconstitutional on the government's part. Where Mr. Hamad
14 decides to practice his faith, who he decides to commune with
15 under the First Amendment is protected. There is absolutely
16 no evidence that Micaiah Collins or any other witnesses or
17 potential witnesses in this case were ever present at that
18 church.

19 Probation, Ben Orrison, did know about Mr. Hamad's
20 whereabouts. Every single time he went to that church, he
21 called Mr. Orrison to make sure that he was aware, to make
22 sure that he had permission, and if there was any concern at
23 all, at any point in time, probation could have raised it with
24 the court, which they did not, clearly showing that there was
25 no violation and that he did not meet with witnesses.

1 What further evidences this, Your Honor, is that if
2 there was indeed an obstruction, the government could have
3 indicted it, if they believe he had been meeting with
4 witnesses or tainting, in some sort of way, evidence or
5 potential witnesses, but they never did that.

6 To the contrary, Your Honor, the government then
7 turned around and decided to indict a person who they wanted
8 to use as a witness. Not to mention, Your Honor, just to make
9 clear, the government is also asserting that Mr. Hamad was the
10 one who spray painted a building, but their own theory of
11 their case is that it was not Mr. Hamad. So to say that now
12 is very disingenuous during this very contentious detention
13 hearing.

14 Every alleged offense, Your Honor, took place before
15 Mr. Hamad was ever indicted. The government asserts that, had
16 it known this information at the time of the indictment, it
17 would not have agreed to release, yet the government's own
18 witness on cross-examination could not provide a definitive
19 answer as to when these alleged aggravating factors were
20 finally discovered.

21 So we are left with what the government had and when
22 they had it. The first search of Mr. Hamad's home took place
23 in August of last year, August 2024. This is when the
24 government seized the phone that had the most concerning
25 information presented in this case, including alleged

1 incendiary devices and Mr. Hamad allegedly detonated them.

2 Then in November, as shown by Exhibit M, the
3 government had information from Mr. Hamad's Instagram account
4 as presented to the defense during discovery.

5 The fact remains that the government cannot say it
6 just learned about this alleged information a week ago, two
7 weeks ago or even 30 days ago. To the contrary, in November
8 of 2024, in Exhibit B, this is on page 37 of the transcript,
9 Your Honor, from the preliminary hearing, lines 12 through
10 613, AUSA Carolyn Bloch asked Agent Brian Collins:

11 On July 7, Mr. Hamad and that individual continued to
12 have conversations. Did the other individual send Mr. Hamad a
13 video of them undertaking the explosion of this test run?

14 Yes, the text is I keep watching the video, and then
15 individual number one sent Mr. Hamad a video clip.

16 This clearly shows, Your Honor, that the government
17 had this information and was aware of it, of the most serious
18 offenses that they are alleging today.

19 This is part of the very foundation of the
20 government's argument about why they are now seeking
21 detention. This then means that what is true is that the
22 government had this information in their possession for almost
23 half a year while Mr. Hamad was on pretrial release.

24 Here are more facts. We are in a unique situation
25 because, as the government mentioned, rarely does the court or

1 any of us have an opportunity to test whether there are indeed
2 any conditions of release that can be put in place that would
3 reasonably assure the person's appearance and the safety of
4 the community. Yet we are in that exact situation today.

5 Mr. Hamad has been fully successful on pretrial
6 release. There have been no violations of pretrial release,
7 as testified to by Ben Orrison who was directly supervising
8 Mr. Hamad. There is no harm he has caused to anyone while on
9 release. There have been two court ordered appearances since
10 Mr. Hamad's arrest while he was on release which he fully
11 complied with, Exhibit G being the warrant this honorable
12 court signed for Mr. Hamad's prints and DNA in February.

13 What some would feel is a complete violation of their
14 person, their bodily autonomy and in response to that, might
15 defy a court order, Mr. Hamad did what this court ordered him
16 to do. He came to this very courthouse and fully complied in
17 giving both his DNA and fingerprints to the government.
18 Mr. Hamad has consistently done what has been required of him.

19 And while the law only requires reasonable assurance
20 and not a guarantee regarding conditions of release,
21 Mr. Hamad's behavior on pretrial release unequivocally shows
22 that conditions do exist that assure both his appearance and
23 community safety.

24 Now, Exhibit G, the original bond report in this
25 case, states that Mr. Hamad can be released on conditions. It

1 also included the offense from 2022 that the government is
2 trying to use against Mr. Hamad and besmirch his character.
3 The simple truth is the charges were dismissed and cannot be
4 held against Mr. Hamad for that very reason.

5 His family is here willing and ready and happily and
6 painstakingly supporting him and wanting to see his release.
7 Ben Orrison, probation officer who is directly supervising
8 Mr. Hamad, went to his house several times, spoke with his
9 parents, met his little sister. At any point in time if they
10 had any concern about Mr. Hamad being there, they could have
11 expressed it, and they did not.

12 To the contrary, they wanted him back home, and they
13 are here today showing their presence, stating that they want
14 him home again.

15 Now, turning to Mr. Hamad himself, his character, his
16 physical and mental condition. After this case, Mr. Hamad
17 unfortunately developed issues with his health. These issues
18 are ongoing and they are unknown at this time because further
19 testing is necessary. Right before his arrest, Mr. Hamad did
20 have an appointment for the following day which obviously he
21 wasn't able to attend, but he's hoping, with these
22 appointments, to get an official diagnosis for the care he
23 will need.

24 As we know, the jail is probably unlikely to be
25 equipped to determine a diagnosis for Mr. Hamad, let alone

1 care for it over a period of time.

2 The family ties that Mr. Hamad has, again, are very
3 strong. They're here. They want to help him through this
4 incredibly difficult time and see him through this process
5 successfully. Mr. Hamad lacks financial resources due to his
6 inability to work right now because of a lack of
7 transportation.

8 Where he's currently living is not like he can hop on
9 a bus or catch a ride or anything of that nature. He does not
10 have a license right now, and so he is, for all intents and
11 purposes, confined primarily just to his home.

12 Additionally, Your Honor, he also does not have his
13 U.S. passport. The only passport that has indeed been issued
14 to him has been turned over to the United States Probation, so
15 the risk of flight is completely mitigated, Your Honor, in
16 this case.

17 Mr. Hamad, he has lived and was raised in the greater
18 Pittsburgh community. He has very strong community ties, as
19 evidenced by the moving letters of support. He has the full
20 courtroom here backing him, Your Honor, for every court date
21 he had. He has people here who love him, who care about him,
22 of all faiths, Muslim, Jewish, Christian, atheist, who all
23 want to see him succeed on pretrial release and put forth to
24 the court that, whatever they can do to augment that, they
25 will.

1 All that has changed, Your Honor, is that the
2 government has finally decided to put forth information that
3 it has been sitting on and has had in its possession since the
4 beginning of last November, at the very latest.

5 What has happened since then? All of November
6 passed, and there's no new detention request. All of December
7 passed. No request for detention. All of January passed. No
8 request for detention.

9 February comes along. Still no request for
10 detention, but again, Mr. Hamad comes to court, gives his DNA
11 and prints, complying with the court order, and frankly if
12 Mr. Hamad was the person that the government is trying to
13 paint him out to be, he could have fled then. If he had the
14 capability to cause harm, he would have done so then, but he
15 didn't because that is not his character, that is not who he
16 is, and that is not who the government is trying to make him
17 out to be.

18 All of March passes, Your Honor. Again, still no
19 request for detention.

20 As it relates to the current bond report, Your Honor,
21 Ben Orrison did not write that bond report. He didn't
22 participate in any of the interviews. To the contrary, Your
23 Honor, all bond reports go through, as this court knows, the
24 supervisory channel before it is presented to the court, and
25 as discussed in the report, all of their assessments are based

1 off of what the government is alleging. Not who Mr. Hamad is
2 as a person. Not because he has failed during pretrial
3 release.

4 He has been completely successful, as testified to by
5 the government's own witness. Unfortunately, probation simply
6 does not take that into account and only goes off of the
7 offenses that the government is alleging.

8 Finally, Your Honor, what we have here at the end of
9 April, and that the government is now seeking detention, but
10 the strongest and immutable fact is that Mohamad has been on
11 pretrial release for half a year and has been fully compliant
12 with his conditions of release and none of this alleged
13 information occurred while -- before he was indicted.

14 He has family and friends from this community who
15 love him dearly and want to see him through this process and
16 continue to help him be successful on pretrial release. To
17 detain him now would be nothing short of punitive and in utter
18 misalignment with the law. Thank you.

19 THE COURT: Let me ask you a couple of questions.
20 With respect to the issue of transportation, I've heard what
21 you've said. Do you know how he has been transported back and
22 forth when he has attended religious services?

23 MS. OLAIYA: It's been primarily his father, Your
24 Honor, who also transports him to court.

25 THE COURT: You mentioned health issues. I don't

1 want to pry into anything that's confidential or not yet
2 diagnosed, but I didn't hear any evidence about health issues.

3 Do you want to speak further of that? And if it's
4 private, I understand.

5 MS. OLAIYA: I can attest to Your Honor that Ben
6 Orrison did mention on the stand that Mr. Hamad has talked to
7 him about his ongoing health issues. If the court would like
8 more details, we can happily approach sidebar.

9 THE COURT: That's all right. I don't.

10 With respect to the issue of the passport, and again,
11 to the extent that you can discuss this with me, there's been
12 conflicting evidence about whether Mr. Hamad has another
13 passport. Do you have any information that you feel you can
14 share with me on that subject?

15 MS. OLAIYA: Just that absolutely he does not. He
16 does not. I can't, unfortunately, present the negative, but
17 he does not have a Lebanese passport. Only a U.S. passport.

18 MR. LIPSON: One moment, Your Honor.

19 MS. VASQUEZ SCHMITT: Your Honor, I would object to
20 her -- if she is going to offer a proffer on a fact, I would
21 ask that her client be offered for cross-examination or some
22 other witness be offered for cross-examination on that
23 proffer.

24 THE COURT: Again, we are beyond the hearing point.
25 My question was only you indicated that he did not have it,

1 and I've not heard any evidence one way or the other. I think
2 the evidence was that he had stated that he had one and then
3 later said that he didn't. Is that your understanding of the
4 testimony here?

5 MS. OLAIYA: Yes. He conferred with his father,
6 based on the testimony, who handles the passports and was able
7 to confirm he did not have one. Based on cross-examination,
8 asking the FBI agent whether or not he could determine if
9 there were any foreign documents, I believe he stated, that a
10 person uses to travel, he confirmed that he did look into that
11 and that there was nothing in regards to Mr. Hamad had ever
12 done traveling with foreign documents aside from a U.S.
13 passport.

14 THE COURT: Thank you.

15 Further argument, Ms. Vasquez Schmitt?

16 MS. VASQUEZ SCHMITT: Your Honor, just to the point
17 about Micaiah Collins, just briefly. Probation Officer
18 Orrison testified he didn't know about the connection to the
19 church. That's why he was approving those visits, and he
20 testified that if he -- if there was a possibility of the
21 defendant meeting with potential witnesses, he would have had
22 to dig into that much more, talk to the government, et cetera,
23 and that didn't happen in this case.

24 I want to thank Attorney Olaiya for pointing out I
25 should have said he conspired to spray paint a target for

1 destruction on a Jewish religious real property and surveilled
2 that institution wearing Hamas gear.

3 With respect to the timing of the government's
4 knowledge, Your Honor, it's really no surprise they're
5 focusing on this because the evidence is so strong related to
6 danger of the community and flight risk. They want to dig
7 into exactly what date the government knew what.

8 I think the testimony was Instagram came in in
9 November, but then Special Agent Battaglia explained there
10 were some technical difficulties and then a human being has to
11 lay eyes on things. When there are terabytes of data, some
12 things can get missed.

13 I want to be clear that it's not that we knew
14 everything that was presented to the court in November, and
15 that's not what the evidence showed.

16 Your Honor, there's nothing improper about seeking
17 detention now that he is facing multiple felonies and now that
18 we have this new information.

19 Respectfully, the timing of when we knew it honestly
20 doesn't matter. The court needs to assess the facts sitting
21 here today.

22 With respect to -- Your Honor already discussed,
23 there's no evidence in the record about health issues. You
24 know, suddenly he needs to schedule appointments. He's had
25 all these months to schedule appointments, and suddenly he

1 needs to do that now.

2 Honestly, probation considers much more than
3 allegations in the indictment. Actually, usually in bond
4 reports, they say we don't consider the nature and
5 circumstances of the offense and the weight of the evidence.
6 In fact, they consider all of the defendant's characteristics,
7 and that's in fact what they focus on, not necessarily just
8 the government's allegations, and they are recommending
9 detention today, their office, even though Mr. Orrison wasn't
10 directly involved in that recommendation.

11 Thank you, Your Honor.

12 THE COURT: Ms. Olaiya, anything further?

13 MS. OLAIYA: One moment, Your Honor. I'm sorry. If
14 I could.

15 (Brief pause.)

16 MS. OLAIYA: Just putting a stipulation, Your Honor,
17 that I failed to put in at the beginning of this hearing. My
18 apologies. There were several paragraphs that, yesterday,
19 both the government and the defense agreed came from the phone
20 that was seized from Mr. Hamad's residence on -- in August of
21 2024 and just noting it for the record. It's paragraph 47.

22 THE COURT: Of what document?

23 MS. OLAIYA: I'm sorry, Your Honor. The superseding
24 indictment.

25 THE COURT: Thank you.

1 MS. OLAIYA: 47, Your Honor, being the stipulation
2 that it came from Instagram, and then paragraph 60, paragraph
3 65 and paragraph 67, those ones coming from the phone, Your
4 Honor.

5 MS. VASQUEZ SCHMITT: Your Honor, we don't have a
6 problem stipulating to that. We discussed with counsel if
7 they would also stipulate that we didn't know about any of
8 those paragraphs at the time of his initial arrest on October
9 30, 2024.

10 THE COURT: All right. Anything further, counsel?

11 MS. OLAIYA: Just confirming, Your Honor, that it's
12 60, 65, 67 and 70 from the phone and as the government pointed
13 out 47 from the Instagram.

14 THE COURT: Thank you. At this point, I'm going to
15 turn to my findings and conclusions in connection with the
16 government's request for detention. As indicated throughout
17 this process, the government has requested detention and
18 requested to detain Mr. Hamad pending the trial in this matter
19 on several bases.

20 First, that he represents a danger to others in the
21 community and that he is a flight risk. Also it was argued
22 today and in the request for detention that there is a risk
23 that Mr. Hamad will obstruct or attempt to obstruct justice,
24 and certainly that's why we are here today.

25 I will also note that we are here on a superseding

1 indictment that was issued by the grand jury in April of this
2 year. That includes nine counts, some of which were alleged
3 in the previous indictment, some of which were not, so we are
4 addressing those nine counts here today.

5 As the parties know, I'm required to consider the
6 four specific factors in the Bail Reform Act in order to make
7 a determination about detention, and I'm going to go through
8 those now.

9 And I will review some of the testimony and evidence,
10 not all of it, but I have considered all of it, including all
11 of the exhibits introduced by both the government and
12 Mr. Hamad as well as the testimony of Officer Orrison and FBI
13 Agent Battaglia.

14 The first of those factors that I must consider is
15 the nature and circumstances of the alleged offenses. And in
16 summary fashion, I'm going to review some of the evidence with
17 respect to the nature and circumstances. We know, for
18 example, that at some point in time, Mr. Hamad determined that
19 he wanted to become a member of the Pennsylvania Air National
20 Guard.

21 According to the indictment, he presented false
22 information to the government during interviews regarding his
23 ultimate allegiance to the United States. There is a fair
24 amount of evidence that suggests that, in statements
25 otherwise, he indicated that the country of Lebanon and

1 Palestine were number one in his consideration, that he joined
2 the Air National Guard in order to learn combat skills.

3 At one point, referred to himself as a Hamas
4 terrorist. Shared pro Hamas videos, content and propaganda,
5 and at one point stated, "Let America kiss my ass."

6 Therefore, I view those to be serious allegations
7 regarding dishonesty to the government about his allegiance to
8 the United States.

9 We also know that, with respect to the nature and
10 circumstances, Mr. Hamad allegedly was part of a conspiracy to
11 deface Jewish religious property, and in one such instance, a
12 spray paint of -- an inverted triangle was spray painted at
13 the Chabad. That, at least according to the testimony I
14 heard, represents that location would be a target.

15 We also know, based upon the allegations in
16 the indictment, that at various points, Mr. Hamad manufactured
17 and detonated explosives. The current location of anything he
18 may have ordered under a pseudonym are not known at this time.

19 We also know that he at least stated that he was
20 stealing Israeli flags and that he understood that might
21 create terror if individuals at the homes where that was
22 located would create terror if they saw how he was dressed.

23 He has also referred to himself as a Hamas operative
24 and indicated that Jews are the enemy.

25 So I certainly view the circumstances and the nature

1 of the offenses with which Mr. Hamad has been charged,
2 understanding he's entitled to the presumption of innocence,
3 are serious.

4 In terms of the weight of the evidence, certainly we
5 know that a federal grand jury has returned an indictment
6 which reflects that the grand jury viewed that there was
7 probable cause to indict Mr. Hamad on the nine counts with
8 which he has been charged, and I view otherwise the weight
9 here to be strong based upon the testimony of FBI Agent
10 Battaglia regarding the investigation that was conducted in
11 connection with the charges against him, and I'll get back to
12 some of the timing of that at a later point.

13 With respect to the history and characteristics,
14 which is the third factor I'm required to consider, I'm basing
15 that, in part, on testimony provided during the hearing, in
16 part, on the pretrial services report and other evidence that
17 was submitted, and let me summarize what some of that evidence
18 revealed.

19 Mr. Hamad does have ties to this area. He was born
20 in Ohio. He resides with his parents and his minor sister in
21 Coraopolis, Pennsylvania. He is unemployed, single and does
22 not -- it does not appear that he has had any employment other
23 than his time with the Air National Guard, which apparently
24 has been suspended based upon the investigation in terms of
25 some of his actions and statements.

1 He is a dual citizen of the United States and
2 Lebanon. He may or may not have a Lebanese passport. I'm not
3 basing any of my findings specifically on that, because I
4 don't think we have any evidence to the effect that he does
5 have one. He does have ties both here to the United States
6 and to Lebanon.

7 In terms of other history and characteristics, he
8 indicated at one point that he wanted to join the Air National
9 Guard in order to learn combat skills. He has described
10 himself as a Hamas operative and a terrorist. He has stated
11 at various times that he does not want to live here, that he
12 wants to die fighting, that he doesn't see himself living
13 long. His ultimate goal is shahid, in other words martyrdom,
14 and he wants to go to Palestine.

15 He's also testified that he endorses at least the
16 statement that bullets should touch the foreheads of Zionists.

17 He has, at various points, bragged about his
18 ability -- I'm sorry, at one point bragged about his ability
19 to evade law enforcement and suggested he would delete his
20 chats in order to keep that information from the Air National
21 Guard.

22 He has manufactured and tested explosives, and while
23 professing that he wants to engage in the fight overseas, he
24 has not confined his actions to going to Palestine. He has in
25 fact been charged at least with defacing Jewish religious

1 property, stole Israeli flags and, as I mentioned previously,
2 manufactured explosives and detonated explosives in this
3 country for a purpose, at least at this point, unknown.

4 I certainly acknowledge and agree that he has
5 complied with the conditions of his pretrial release. There's
6 no evidence otherwise. He has attended the Valley View
7 Presbyterian Church since February at least ten times.
8 Certainly it is well within his prerogative to do so, as he
9 has the right to exercise his religion.

10 I will note, however, that despite not being able to
11 get transportation to seek any employment, he has been able to
12 be transported all ten times, apparently, to that church, and
13 I will note that the father of one of his codefendants is the
14 pastor at that church.

15 Again, that does not mean that he cannot attend that
16 church, but I do find the timing of beginning to attend that
17 in conjunction with the request to modify his conditions of
18 release to be interesting.

19 He does not have an extensive criminal history. I
20 have reviewed the police report that was submitted as Exhibit
21 1 by the government. Obviously, there were no charges
22 assessed there. There is some concern in my mind about
23 threats of violence, but there has been, as indicated, no
24 conviction with respect to that.

25 I am also concerned about the testimony of FBI agent

1 Battaglia about Mr. Hamad's conduct when he was arrested on
2 the most recent indictment. In other words, refusing to come
3 downstairs for some point and engaging in language that would
4 not be appropriate, in my view, under the circumstances.

5 So I have considered all of that. I've also
6 considered what the -- what Mr. Hamad has submitted as
7 character references, and I have reviewed all of those, and
8 certainly, there is no question that he has the support of
9 friends and colleagues who remain willing to assist him, and
10 certainly I appreciate their communications to me about that
11 and have taken that into consideration.

12 I've also considered the entire pretrial services
13 report, including its recommendation that Mr. Hamad should be
14 detained. I've also reviewed, prior to today, both the motion
15 to amend his conditions of pretrial release as well as the
16 government's response to that, as well as Judge Wiegand's
17 conclusion that Mr. Hamad does represent a danger to the
18 community and a flight risk.

19 I do feel that the stakes are higher now, as
20 Ms. Vasquez Schmitt indicated, than they were when Mr. Hamad
21 was placed on conditions of release previously, given the
22 nature of the offenses with which he has now been charged. I
23 do note that many of the facts that I've heard here today were
24 presented in a prior proceeding and are not new.

25 I did hear, based upon the testimony of Agent

1 Battaglia, that there were a number of things that the FBI did
2 not know when Mr. Hamad was arrested in October of 2024. That
3 includes the Instagram videos, some of which we've seen here
4 today that reflect violent conduct, the explosion of pipe
5 bombs in State College or near State College, the fact that
6 Mr. Hamad was looking for instructions about how to build
7 explosive devices, contents of the police report from Moon
8 Township that Mr. Hamad wanted to travel to Palestine and the
9 possibility, and I'm saying just the possibility, of a
10 Lebanese passport, again not saying there was one, I don't
11 think there's any evidence to that effect, but Agent Battaglia
12 also testified about knowledge of Lebanese friends and family
13 which would not be unusual, given Mr. Hamad's dual
14 citizenship.

15 I have also considered the nature and seriousness of
16 danger to others in the community. I certainly don't doubt
17 that Mr. Hamad, as far as all of us know, has complied with
18 the conditions of his pretrial release. Nonetheless, I am
19 also concerned about some of the addition evidence I've heard,
20 plus the existence of a number of other charges in the
21 indictment.

22 Walking through the risk of flight, I note that, as I
23 mentioned earlier, there appears to me to be more incentive
24 now to flee based upon additional charges, and Mr. Hamad, at
25 one point at least, has bragged about his ability to evade law

1 enforcement, and certainly we know that, with that heightened
2 incentive, there may be a further incentive to avoid the
3 charges here.

4 With respect to the government's allegation to
5 obstruct justice, all I'll note about that is that I do find
6 it interesting that, while Mr. Hamad may certainly observe any
7 religion freely that he chooses to do or no religion at all,
8 the fact that he has, since February, been attending a church
9 at which his codefendant's father is the pastor, I find to be
10 somewhat interesting, and of course, we know that Defendant
11 Collins was part of what is alleged to be a conspiracy to
12 build explosive devices, and in fact, certain of those were
13 detonated, whether that was with Ms. Collins or not.

14 And I also note that there has been some evidence
15 presented about what has occurred just before Mr. Hamad's
16 indictment with respect to grand jury resistance and
17 subpoenas.

18 I've also examined the danger to the community. I
19 observed Judge Wiegand's statements. I've reviewed all of the
20 evidence here today, and despite the fact that Mr. Hamad has
21 reflected, as far as I know, compliance with the conditions of
22 pretrial release, I do find, by clear and convincing evidence,
23 that there are no conditions or combination of conditions that
24 will reasonably assure the safety of others based upon
25 Mr. Hamad's actions, Mr. Hamad's statements, Mr. Hamad's

1 professed allegiance to Hamas, terroristic activities and
2 engaging in conduct that seems to suggest that that will
3 continue if he is released on conditions.

4 I'll note that being on home detention simply means
5 that. In the event someone does not comply with those terms,
6 eventually that will be known, but there is no instant
7 notification that someone is evading the terms of their home
8 detention.

9 So based upon all of those matters, the finding of
10 Judge Wiegand and the testimony here about Mr. Hamad's
11 professed allegiances and conduct, I am finding, by clear and
12 convincing evidence, that there are no conditions that will
13 reasonably assure the others based upon the new charges.

14 With respect to risk of flight, I'm not finding there
15 is a significant risk of flight here, simply because I don't
16 have enough evidence to suggest that Mr. Hamad has the
17 resources or the ability to flee, even though I will note that
18 there is likely to be a heightened urgency about his current
19 status based upon the addition of new charges.

20 I will issue an order to that effect after this
21 proceeding here today.

22 Ms. Vasquez Schmitt, is there anything further that
23 you wanted to address?

24 MS. VASQUEZ SCHMITT: No. Thank you, Your Honor.

25 THE COURT: Ms. Olaiya, Mr. Lipson, anything further?

1 MS. OLAIYA: Nothing, Your Honor.

2 THE COURT: That concludes our proceeding. Thank
3 you.

4 (At 10:22 a.m., the proceedings were adjourned.)

5 C E R T I F I C A T E

6 I, BARBARA METZ LOCH, RMR, CRR, certify that the
7 foregoing is a correct transcript from the record of
8 proceedings in the above-entitled case.

9 \s\ Barbara Metz Loch May 19, 2025
10 BARBARA METZ LOCH, RMR, CRR Date of Certification
11 Official Court Reporter
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